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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 26 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
The Petition of the Inmate Calling) RM-8181
Services Providers Task Force)
For Declaratory Ruling)

**REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association respectfully submits these reply comments on the Petition of various purveyors of equipment targeted for correctional facilities, filed February 2, 1993. The Petition was place on Public Notice on February 9, 1993.

Most commenters oppose the Petition and discuss in some detail the erroneous assumptions and conclusions that are contained in the Petition.¹ The comments show that the issues raised in the Petition are controlled primarily by the Commission's decision in Tonka Tools.² In Tonka Tools, the Commission exempted payphones from the Commission's Computer II rules where the primary customer group is made up of the public or some segment of the public, the telephone instrument and line are necessarily integrated and not severable from the customer's perspective, and the customer cannot separately select, combine or pay for the CPE and the line. These factors apply uniquely to inmate populations. Correctional facilities permit payphones

¹See Comments of Pacific and Nevada Bell, BellSouth, Southern New England Telephone, NYNEX Telephone Companies, U S WEST Communications, and Southwestern Bell Telephone. See also MCI at 2 (points out conflicting arguments in the Petition.)

²Petition for Declaratory Ruling of Tonka Tools, 58 RR 26-903 (1985).

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for inmate calling, but do not permit phones to be severable from the transmission line. As a matter of security and practical cost administration, inmate payphones are in locations that are open and visible to guards. Rules typically exist for making calls and for the length of calls. These payphones are among the most controlled payphones that exist. Specialized features are included in these phones to serve the unique compelling interests of justice and legitimate corrections objectives.³ There should be a strong presumption that these payphones must be handled specially. They are not severable from the perceptual standpoint of the relevant inmate public, and should not be viewed as such by that segment of the public.

No other part of the Petition makes arguments that are sufficient to offset that presumption. The Petition should be denied.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

BY 

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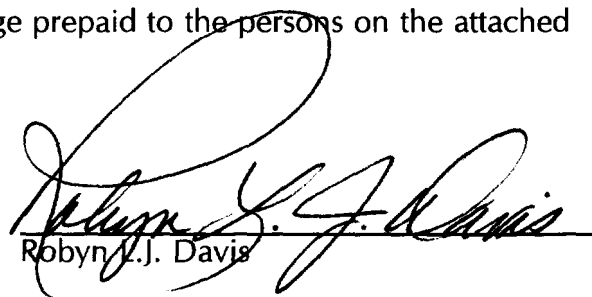
(202) 835-3114

March 26, 1993

³See Opposition of BellSouth at 5-6 for a list of such specialized features, and the purposes they serve.

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on March 26, 1993 copies of the foregoing Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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